

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA

V.

NO. 1:21-CR-49

LASANA BERETE

ORDER

Lasana Berete’s sentencing hearing is set for October 11, 2023. Doc. #24. On September 11, 2023, Berete filed an “Unopposed Motion to Apply the U.S.S.G. Zero-Point Offender Adjustment to the Total Offense Level Calculation; or in the Alternative, Motion to Continue Sentencing.” Doc. #25. Specifically, Berete asks the Court to either (1) “apply the two-point offense level adjustment for zero-point offenders to his guideline calculation due to the Commission’s recent decision to make the provision retroactive;” or (2) continue his sentencing hearing “until after November 1, 2023” when the Commission’s “amendments will become effective by operation of law.” *Id.* at PageID 59–60. Berete represents that the government does not object to the relief requested. *Id.* at PageID 61. Three days after Berete filed the motion, the government confirmed that it has “no objection to the defendant’s requested relief concerning adjustment of the guideline calculation.”¹ Doc. #26 at 2.

Berete is correct that the two-point offense level adjustment for zero-point offenders will apply retroactively.² So in the interest of judicial efficiency, to the extent Berete is a zero-point offender, Berete’s motion [25] is **GRANTED**. There being no reason to wait until after November

¹ In its response, the government states that it “agrees that the pre-sentence report should be amended to reflect the anticipated amendments to the sentencing guidelines.” Doc. #26 at 2. Berete’s motion asks that the presentence report be amended only if sentencing is continued until after November 1, 2023. Doc. #25 at PageID 61.

² United States Sentencing Commission, *U.S. Sentencing Commission Votes to Allow Retroactive Sentence Reductions and Announces its Next Set of Policy Priorities* (August 24, 2023), <https://www.ussc.gov/about/news/press-releases/august-24-2023>.

1 to proceed with Berete's sentencing hearing, the sentencing hearing will proceed as scheduled on October 11, 2023.

SO ORDERED, this 21st day of September, 2023.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE